IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Bail Appl..No. 6903 of 2006()

CRIME NO. 192/2006 OF VELLATHOOVAL POLICE STATION

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PETITIONERS/2ND ACCUSED

SHAJI, S/O.CHANDRAN, AGED 25 YEARS,
CHIYARATHIL, POST. SUKAPURAM, (VIA) EDAPPAL,
MALAPPURAM.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS:

STATE OF KERALA, REP. BY SUB DEPUTY
SUPERINTENDENT OF POLICE, C.B.C.I.D.,
THODUPUZHA, IDUKKI DISTRICT, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY DIRECTOR GENERAL OF PROSECUTION SRI.P.G. THAMPI

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 23/11/2006, THE COURT ON 28/11/2006 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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B.A. NO. 6903 of 2006

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Dated, this the 28th day of November 2006

ORDER

The 3rd accused (who was originally second accused) in Crime No. 192 of 2006 of Vellathooval Police Station, originally registered for man missing and subsequently registered as Crime No. 206/2006 for "unnatural death" and subsequently altered into one for offences punishable under Secs. 366, 376 and 511 of 376 read with Sec. 34 I.P.C. , seeks bail. Petitioner surrendered before the Magistrate on 13-11-2006 and was remanded to judicial custody.

2. The learned Director General of Prosecution opposed the application and made available to me the case diary files relating to the matter.

3. The materials so far collected during investigation reveals the prurient exploits of a few sex hungry animals in human form who had exploited the poverty and flesh of a 17 year old girl who eventually decided to end her torments in life by committing suicide.

4. Sandhya, the victim who hailed from Panniyarnirappu of Muniyara Kara in Konnathadi Village of Idukki District was the

younger of two daughters born to Santha who was working as a home nurse at Thrissur, Edappal etc. far away from her home town. Sandhya's father was murdered when Sandhya was only three years old. Her elder sister Soumya had been married to one Joji. Penury forced Sandhya to wind up her schooling while she was staying in 6th standard. She also took to the avocation of home nurse at Thrissur, Chavakkad etc. On the advice of her mother Sandhya abandoned her job as home nurse and came back to Muniyara. She had acted in an advertisement film for Topnoch Bakery at Adimaly owned by her neighbour with the permission of her guardians. Subsequently a rumour was spread in the locality that an obscene C.D. involving Sandhya was in circulation. This had disturbed her and she made enquiries about the same and was told that it was a false rumour. She was unnecessarily scolded by her mother on hearing about the same rumour. On 16-10-2006 when her mother was going to Adimaly Sandhya asked her to buy some dress for her. But the mother refused. Getting frustrated, Sandhya left her house at 9 a.m. on 17-10-2006. While at Adimali, the nearest town, she met Sreekanth who was the art director of the aforementioned advertisement film. She enquired with him whether it was

possible to make obscene film by misusing the advertisement film in which she had acted. Sreekanth consoled her stating that it was not possible. Sandhya was in deep love with one Sajeesh who had introduced himself to her as a bachelor and eager to marry her. She got in touch with Sajeesh over the phone. Noticing that Sandhya had stirred out of her house and was at his disposal, he thought of availing of the much awaited opportunity. Sajeesh kidnapped her in his Ambassidor Car to Muvattupuzha. From there they proceeded in a bus to Thiruvananthapuram and stayed in a lodge. Sajeesh induced her to have sex with him re-assuring her that he will marry her. Sajeesh thus carnally enjoyed her. Next day, they proceeded to Perumbavoor and stayed in a lodge there. On that day also Sajeesh forced Sandhya to have sexual intercourse. On 19-10-2006 the truth came out from Sajeesh that he was a married man and having a child also. Hearing this shocking news Sandhya pleaded for mercy and begged to marry her. But to her surprise, Sajeesh told her that he was not willing to abandon his family and marry her. When she persisted her entreaties, he at last asked her to hang herself. He left her at Perumbavoor. Sandhya was in urgent need of a shelter and a job. She therefore contacted one Badusha who was one of

her acquaintance while she was working as home nurse. She met Badhusha at Thrissur and requested him to arrange her a shelter for one day. Badhusha introduced her to one "Thatha" and Sandhya stayed with her that night. On 20-10-2006, Badhusha took her to Thrissur bus stand from where she proceeded to Perumbavoor. By that time undue publicity had been given by the print and electronic media about missing Sandhya and giving her disappearance the colour of a sex scandal involving a sex mafia. She therefore found it difficult to go home. She then contacted one Mujeeb who was also one of her prior acquaintance while working as home nurse at Edappal. Mujeeb advised her to go over to Thrissur. She then returned to Thrissur from where Mujeeb along with Shaji (the petitioner herein) met her. Shaji had acquaintance with the family members of Sandhya in connection with a function in the family of Sandhya and which was held at Guruvayoor. Mujeeb and Shaji took Sandhya to Edappal and hired a lodge at Kumarson's Lodge. When Mujeeb left the room, Shaji made a lascivious overture at her which she resisted. She then managed to contact Mujeeb who came back to the lodge and sent Shaji away. Mujeeb stayed with Sandhya in the same room. During night Mujeeb also made an

attempt to ravish her. When she resisted he threatened to leave her alone penniless. Then Sandhya told him that she proposed to stay there 2-3 days and assured him that she would fulfill his desire later. She thus managed to protect herself. On the next day morning Shaji made a further attempt to sexually assault her and that was also averted by her. Then Mujeeb took her to the house of one Divya stating that Divya would be able to get her a job as home nurse in Malabar Nursing Corporation where Divya was employed. Sandhya stayed with Divya that day it was only then that she realised that Divya had lost her job. Sandhya then contacted Sreekanth which led to the police tracing her and she was taken to the J.F.C.M. Adimali who recorded her 164 statement and entrusted her with her mother Santha and brother - in - law Joji (who is the de facto complainant). The jilted girl had only miseries and frustrations in life and the bleak future stared at her. On 20-10-2006 in the true sense in which her lover advised her, she committed suicide by hanging in her house. This, in short , is the episode culminating in the sad death of Sandhya of Muniyara Kara.

5. The Sec. 164 statement of Sandhya cannot be read in isolation to canvass for the position that the only role of the

petitioner was a an unsuccessful attempt to osculate her. Investigation of the case is still in its preliminary stage. The victim in this case is no more. The prosecution is, therefore, compelled to rely on circumstantial evidence. The occurrence took place in the native place of the accused who were betraying the confidence reposed in them by a hapless girl who had taken refuge in them for protection.

I am not inclined to grant bail to the petitioner. This application is, accordingly, dismissed.

V. RAMKUMAR,
(JUDGE)

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